



Refer to:

S9H: SSA-2020-0005651

October 27, 2020

Mr. Edward Hasbrouck
The Identity Project
1736 Franklin Street, 9th Floor
Oakland, CA 94612
edward@hasbrouck.org

Dear Mr. Hasbrouck:

The Department of Homeland Security (DHS) referred your Freedom of Information Act (FOIA) request to the Social Security Administration (SSA) on August 31, 2020 because some information in their files originated with SSA. I am responding to you because of my responsibilities under the FOIA. The documents that DHS referred to us pertain to your request for DHS records for emails sent to and from the email account associated with the Real ID program located in the Office of the Chief Information Officer.

We are charging you fees for your request under section 1106(c) of the Social Security Act (Act) (42 U.S.C. § 1306(c)). Because we have invoked section 1106, the FOIA fee provisions in 5 U.S.C. § 552 are not applicable to your request. Section 1106 applies notwithstanding FOIA and provides that we charge the full cost for search and production of records when the request is for a purpose not directly related to the administration of a program under the Act (20 C.F.R. § 402.175(a)). We determined that your request is not directly related to the administration of the Act. Accordingly, we will charge you for the full cost to supply the requested information. 42 U.S.C. § 1306(c); 20 C.F.R. § 402.175.

When our employees search for records, we charge the following hourly rate depending on the grade of the employee:

- \$16.00 (GS-1 through GS-8)
- \$33.00 (GS-9 through GS-14)
- \$59.00 (GS-15 and above)

We estimate the cost to provide this information is \$97.25, which includes 2.5 hours of review and redaction time at \$33.00 per hour and .25 hours of review time at \$59.00 per hour. If there is a duplication fee, we will bill you. In addition, according to our regulations at 20 C.F.R. § 402.175(e), we may charge a fee for search time even if we are unable to locate any responsive records or the records are exempt from disclosure.

If you want us to proceed with your request, **you must let us know**. You may also narrow the scope of your request or set a limit on the amount you are willing to spend. You may pay by check or money order made payable to the Social Security Administration (SSA) or by credit card (MasterCard, Visa, Discover, American Express, or Diner's Club). To pay by credit card, complete and sign the enclosed form. Be sure to include your credit card number and expiration date.

You may submit payment information by facsimile at 410-966-0869 or by mail to my attention at G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235. Please annotate the above reference number on your payment. **If we do not receive payment within ten business days from the date of this letter, we will administratively close your request.** You will not receive a separate notification that we closed your request.

If you have questions, or would like further assistance with your request, you may contact our FOIA Public Liaison by email at FOIA.Public.Liaison@ssa.gov; by phone at 410-965-1727, by choosing Option 2; or facsimile at 410-966-0869.

You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration for dispute resolution services. OGIS is an entity outside of SSA that offers mediation services to resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll-free at 1-877-684-6448; or facsimile at 202-741-5769.

If you disagree with this decision, you may file a written appeal with the Executive Director for the Office of Privacy and Disclosure, Social Security Administration, G-401 WHR, 6401 Security Boulevard, Baltimore, MD 21235 or electronically transmitted to FOIA.Public.Liaison@ssa.gov. You have 90 days from the date of our administrative closure to appeal our decision. Please mark the envelope or subject line with "Freedom of Information Appeal."

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Zimmerman".

Mary Ann Zimmerman
Freedom of Information Officer

Enclosure